

The Honorable Benjamin H. Settle

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA**

JOHN DOE #1, an individual, JOHN  
DOE #2, an individual, and PROTECT  
MARRIAGE WASHINGTON,

Plaintiffs,

v.

SAM REED, in his official capacity as  
Secretary of State of State of Washington,  
BRENDA GALARZA, in her official  
capacity as Public Records Officer for the  
Secretary of State of Washington,

Defendants.

NO. 09-cv-05465-BHS

DESIGNATED DEPOSITION  
TESTIMONY OF Redacted  
Redacted

Pursuant to Local Rule 32(e), Defendants Sam Reed and Brenda Galarza, Intervenors Washington Families Standing Together and the Washington Coalition for Open Government and Plaintiffs John Doe #1, John Doe #2, and Protect Marriage Washington (collectively, the “Parties”) hereby submit combined designated deposition testimony for Redacted

Redacted

Defendants and Intervenors object to the admission of any deposition testimony taken of any witnesses who could be called to testify at trial. Therefore, the designations of

1 Defendants and Intervenor are being submitted in the event that the Court decides to admit  
2 deposition testimony.

3 For the Court's convenience Defendants' designations have been highlighted in blue,  
4 Intervenor's designations have been highlighted in pink, and Plaintiffs' designations have  
5 been highlighted in yellow. Objections have been noted in the margins. Plaintiffs will be  
6 filing the redacted versions of these documents.

7 DATED this 6th day of September, 2011.

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9 Attorney General

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as Secretary of State of Washington;  
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Defendants.

No. 09-CV-05456-BHS

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Deposition Upon Oral Examination  
Of

Redacted

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Taken by: Tracey L. Juran, CCR  
CCR No. 2699

September 23, 2010

Seattle, Washington

Tracey Juran, Certified Court Reporter

APPEARANCES

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## EXHIBITS MARKED

None

1           Be it remembered that the deposition upon oral  
2       examination of [Redacted] was taken on  
3       September 23, 2010, at the hour of 9:23 a.m. at 800  
4       Fifth Avenue, Suite 2000, Seattle, Washington, before  
5       Tracey L. Juran, CCR, Notary Public in and for the State  
6       of Washington residing at Edmonds, Washington.

7           Whereupon the following proceedings were had,  
8       to wit:

9                               \* \* \* \* \*

10       [Redacted], having been first duly sworn on  
11                               oath by the Notary Public to tell  
12                               the truth, the whole truth, and  
13                               nothing but the truth, was  
14                               deposed and testified as follows:

15                               EXAMINATION

16       BY MS. EGELER:

17       Q.     Good morning, [Redacted] We were talking before we went on  
18               the record about the fact that you in a past life had  
19               gone to school to be a court reporter, so I assume you  
20               have the rules of depositions down, but I'm going to  
21               just refresh your recollection. When we are talking  
22               today, of course, everything's being taken down, so it  
23               will be important that we not speak over each other.  
24               And it will also be important that we indicate yes or no  
25               verbally rather than with a head nod or mm-hm, which  
              doesn't really show up on the record. Okay?

1 A. Okay.

2 Q. And, of course, it's important that the transcript be  
3 clear and be a fair representation of your testimony, so  
4 if anything I ask is confusing or doesn't make sense,  
5 please let me know and --

6 A. Okay.

7 Q. -- I can rephrase that for you. Okay?

8 A. Okay.

9 Q. Is Redacted your legal name?

10 A. No.

11 Q. What is your legal name?

12 A. Redacted

13 Q. And where are you currently employed?

14 A. Redacted

15 Q. What do you do there?

16 A. Assistant to the senior pastor.

17 Q. What are your duties as the assistant?

18 A. Answering his phone calls, making appointments for him,  
19 booking speeches for him, handling all his traveling  
20 logistics, helping him write commentary. I do research  
21 on current issues so he has facts when he decides to  
22 write a commentary.

23 Q. And do you ever go out with him when he speaks to attend  
24 the event?

25 A. Occasionally.

1 Q. And in 2009, were you in the same employment situation?

2 A. Yes.

3 Q. And the same job with the church at that time?

4 A. Yes.

5 Q. Same duties?

6 A. Yes.

7 Q. Did you know that you had been named as a witness in the  
8 Doe v. Reed case?

9 A. Yes.

10 Q. When did you find that out?

11 A. When Steve called me.

12 Q. And by Steve, do you mean Steve --

13 A. Steve --

14 Q. -- Pidgeon?

15 A. -- Pidgeon, yes.

16 Q. And do you recall when that was, roughly?

17 A. Month or two.

18 Q. Month or two? Okay.

19 And were you told that as part of being a witness,  
20 you may be required to publicly testify in federal  
21 court?

22 A. Yes.

23 Q. And are you okay with that?

24 A. Yes.

25 Q. So did you express to Mr. Pidgeon any need for your name



1 to remain confidential or secret?

2 A. No.

3 Q. And did you have an opportunity to talk to Mr. Pidgeon  
4 before this deposition?

5 A. Yes.

6 Q. And what did you talk about?

7 A. He asked me if I had any experiences related to R-71  
8 signature-gathering time frame that would have been  
9 negative and would I be willing to share those with  
10 someone.

11 Q. And did he talk to you at all about what you should say  
12 or do during the deposition?

13 A. He did not.

14 Q. Did you do anything to prepare for the deposition today?

15 A. Recollected. Searched for Emails that I know I received  
16 during that time frame, and I must have deleted them,  
17 because I don't have them anymore. I have lots and lots  
18 of Emails surrounding that subject, but -- hundreds of  
19 Emails, to be frank, but I couldn't really take the time  
20 to look through all of them. And some of the very --  
21 some of the more appalling Emails I had deleted at the  
22 time because I didn't want them on my computer.

23 Q. Well, let's talk about that.

24 You are here today in response to a subpoena duces  
25 tecum.

1 A. Mm-hm.

2 Q. And that subpoena duces tecum asked you to bring with  
3 you all records, regardless of whether they have been  
4 stored in paper or electronic format, discussing or  
5 depicting images about any harassment, threats, or  
6 retaliation you contend you have experienced related  
7 directly or indirectly to Referendum 71. This includes,  
8 but is not limited to, photographs, recorded voice  
9 messages, letters, newspaper articles, and electronic  
10 postings, articles, comments, and blogs. So do you have  
11 anything that is responsive back at the office?

12 A. Emails.

13 Q. And why did you not bring responsive Emails with you?

14 A. They were supportive from -- supporting of our position  
15 on R-71.

16 Q. So do you have any Emails back at the office that are  
17 not supportive?

18 A. I'm sure I do. It's gonna take a significant amount of  
19 research, but we can do that.

20 MS. EGELER: Okay. Well, let's be off the record  
21 for a minute.

22 [Off the record - discussion]

23 MS. EGELER: Let's be back on the record, then.

24 While we were off the record, we had a  
25 discussion about the fact that **Redacted** has not yet gone

1 through Email in response to the subpoena duces tecum.  
2 And we discussed whether to stop the deposition now and  
3 hold it at a later date or whether we should go forward  
4 and get [Redacted] testimony now and then leave the  
5 deposition open and provide an opportunity for us to  
6 come back with that discovery information and talk to  
7 [Redacted] about that discovery information at a later date.

8 And we also talked about an agreement that we  
9 will all agree to slide the discovery time lines as  
10 needed to accommodate [Redacted] schedule and  
11 [Redacted], who there's also some difficulty in  
12 contacting.

13 Is everybody in agreement?

14 MR. PIDGEON: Yes, I'm in agreement on behalf --

15 MS. EGELER: Steve?

16 MR. PIDGEON: -- of Protect Marriage Washington.

17 MR. DIXSON: Yes, and I'm in agreement.

18 MS. EGELER: Okay.

19 MS. FIELDS: Yes on behalf of Washington Families  
20 Standing Together.

21 MS. EGELER: Okay.

22 Q. (by Ms. Egeler) So let's keep going, then, [Redacted]

23 I do want to ask you not to repeat the detail of  
24 the Email at this time, but you said that you have a lot  
25 of Email surrounding this issue. Did you mean the issue

1 of homosexuality generally or just Referendum 71 related  
2 Email?

3 A. Both.

4 Q. So there's a broader category.

5 A. There is a broader category, and that is the public  
6 stand that our pastor and Redacted has taken  
7 in support of traditional marriage.

8 Q. And just so that we're clear about that, in saying that  
9 a broader stance has been taken, would that include, for  
10 example, the pastor's position with respect to  
11 Microsoft's policies on homosexual employees?

12 A. Yes.

13 Q. And would it also include his involvement in school  
14 rallies, for example, regarding homosexual students?

15 A. Yes.

16 Q. Any other things I've missed? Any other events that  
17 he's taken part in to express his and the church's  
18 position with respect to traditional marriage or, more  
19 broadly, the issue of homosexuality?

20 A. There was a Mayday for Marriage rally that took place at  
21 Safeco Field.

22 Q. And what year was that?

23 A. It was in May of 2006, I believe.

24 Q. And any other events that you can recall?

25 A. Subsequently, he held a rally on the Mall in Washington,

1 D.C., in support of traditional marriage, and I believe  
2 that was the following September.

3 Q. So that would be September of 2006?

4 A. Correct.

5 Q. Any others?

6 A. Those are the only ones that come to mind right now.

7 Q. Are you -- well, I assume you're aware of Referendum 71.

8 A. Yes.

9 Q. And did you sign the Referendum 71 petition?

10 A. Yes.

11 Q. Do you remember where you were when you signed?

12 A. At my church.

13 Q. And where -- do you remember where in the church you  
14 were?

15 A. At my church office. At the front desk of my church  
16 office.

17 Q. Did anyone else see you sign?

18 A. Possibly our receptionist.

19 Q. Do people walk by that front desk?

20 A. Yes, yes.

21 Q. A lot of people?

22 A. Staff, mostly.

23 Q. Mostly staff?

24 Do any -- can the general parishioners come through  
25 that way?

1 A. Absolutely.

2 Q. And the petition that you signed, that specific petition  
3 sheet, was it left out, then, at the front desk for  
4 others to sign?

5 A. Yes, yes.

6 Q. So is it possible that others saw your signature --

7 A. Oh, yes.

8 Q. -- there?

9 Was that okay with you, that --

10 A. Yes.

11 Q. -- people could see?

12 A. Yes.

13 Q. We're going to have to not talk over each other or --

14 A. Oh, got it.

15 Q. And was there any other petition gathering done at the  
16 church other than at the front desk?

17 A. The petitions were made available at Sunday services.

18 Q. Was anything said to the congregation about the  
19 petitions?

20 A. I believe Pastor Redacted announced from the pulpit  
21 that the petitions were available.

22 Q. Do you have a church newsletter?

23 A. No.

24 Q. Is there a church Web page?

25 A. Yes.

1 Q. Would the church Web page have mentioned, if you recall,  
2 anything about the petitions or the initiative -- the  
3 referendum, rather?

4 A. I do not recall.

5 Q. Other than signing, did you have any -- personally have  
6 any activity that you took or engaged in to support the  
7 petition?

8 A. No.

9 Q. Did you gather signatures?

10 A. I did not.

11 Q. Did you have a Referendum 71 sign at home in your yard?

12 A. No.

13 Q. Did you tell anyone that you had signed the petition?

14 A. Yes.

15 Q. Who did you talk to about that?

16 A. Family, my brothers.

17 Q. Did you ever attend any rallies or events for  
18 Referendum 71?

19 A. No.

20 Q. Did you ever hold a Referendum 71 sign publicly?

21 A. No.

22 Q. And did you support Referendum 71 in any way we haven't  
23 discussed?

24 A. No.

25 Q. Did the church, to your knowledge, organize any events

1 or rallies regarding Referendum 71?

2 A. No.

3 Q. Does the church get involved in election issues?

4 A. Occasionally we publish a voters' pamphlet -- we don't  
5 publish a voters' pamphlet; excuse me. We acquire a  
6 voters' pamphlet and distribute it -- have it available  
7 at services.

8 Q. And where do you acquire the voters' pamphlet?

9 A. In the past, we've acquired one from Christian Coalition  
10 of Washington and one other organization, and I cannot  
11 remember the organization right now.

12 Q. Do you remember if that was done with respect to the  
13 November 2009 election?

14 A. Yes, I believe it was.

15 Q. And do you know where that voters' pamphlet came from  
16 for the November 2009 election?

17 A. It was either the Family Research Council or the  
18 Christian Coalition of Washington. But I believe it was  
19 the Christian Coalition of Washington because it --  
20 that's a more local resource.

21 Q. Do you recall whether that voters' pamphlet made any  
22 recommendations with regard to Referendum 71?

23 A. No.

24 Q. No, you don't recall?

25 A. I don't recall that it made any recommendation on --



1 Q. So --

2 A. -- any of the issues.

3 Q. So it may or may not have.

4 A. I believe it did not make any recommendation.

5 Q. Have you personally experienced anything that you would  
6 consider a threat or harassment or reprisals as a result  
7 of signing Referendum 71?

8 A. As a result of signing it?

9 Q. Yes. I'm just asking --

10 A. No. No.

11 Q. So no, nothing as a result of you personally signing --

12 A. Correct.

13 Q. And do you know what you're being called upon to testify  
14 about?

15 A. Whether I had experienced any harassment of any sort  
16 surrounding the R-71 issue directly or indirectly.

17 Q. Let's now go through every incident -- every single  
18 incident, phone call, et cetera, that you found to be a  
19 threat or harassment surrounding Referendum 71.

20 A. Okay.

21 Q. So I don't know where to start because I don't know your  
22 story. So if you can just toss out the first one, we'll  
23 explore that.

24 A. As a result of our support of Referendum 71 --

25 Q. And by --

1 A. -- our public support --

2 Q. -- our -- by our, do you mean --

3 A. Redacted --

4 Q. -- the church?

5 A. -- Redacted, yes.

6 -- we would receive phone calls.

7 Q. And this was phone calls at the church offices?

8 A. At the church office, yeah. Came through the  
9 receptionist asking for -- to talk to Redacted, and since I  
10 take all of his phone calls, I would get those calls.  
11 Every time -- almost every time he appears in print or  
12 Redacted appears in print, the phone calls  
13 follow the next day.

14 Q. So for example, when he appeared at the mayday  
15 marriage -- Mayday for Marriage rally at Safeco Field,  
16 did you receive any phone calls after that?

17 A. Yes.

18 Q. And what was the tone of those phone calls?

19 A. He needs to shut up. Your church needs to shut up or  
20 we're going to take you down. We'll come to your church  
21 and we'll come to your church office, which is at a  
22 different location, and we will shut you down.

23 Q. And after receiving those phone calls following the  
24 Mayday for Marriage rally, did anyone come to the church  
25 office?

State Objects: Hearsay; the witness's testimony is irrelevant even if not offered for the truth of the matter, unrelated to R-71.

1 A. No.

2 Q. After taking a position with regard to Microsoft's  
3 employment policies with respect to homosexual  
4 employees, did the church receive any phone calls?

5 A. Yes.

6 Q. And my memory -- and please correct me if I'm wrong --  
7 is that [Redacted] took a position both in the news media and  
8 appeared at a Microsoft shareholders' meeting.

9 A. Correct.

10 Q. And what sort of phone calls were received after that?

11 A. Same tenor, same tone.

12 Q. Did anyone actually come to the church offices?

13 A. No. However, someone did -- some -- a group of  
14 individuals did come to our Sunday service.

15 Q. And that was after the Microsoft --

16 A. Yes.

17 Q. A group came to the church office? No.

18 A. To the church building where we hold services.

19 Q. To --

20 A. They came to the service and they sat in the service.

21 Q. Can you tell me about that group?

22 A. I wasn't there, so I'm not the best person to tell you.

23 Q. Did you hear how many people it was?

24 A. No.

25 Q. Are members of the public welcome to come to services?

State Objects: Hearsay; the witness's testimony is  
irrelevant even if not offered for the truth, UR R71.

1 A. Absolutely.

2 Q. So were these people welcomed to come and listen?

3 A. Absolutely.

4 Q. And to your knowledge, did they respectfully listen?

5 A. I don't know.

6 Q. And is [Redacted] the only pastor that preaches  
7 at the church?

8 A. No. He's the main pastor, but we do have 13 other  
9 pastors who occasionally preach.

10 Q. It sounds like a very large church. How many  
11 parishioners?

12 A. On a typical Sunday, we'll have 900 to a thousand  
13 people. However, a much larger group call it their  
14 church home.

15 Q. Do you know approximately how many?

16 A. I would say around 2,000.

17 Q. Do you know if [Redacted] was preaching the Sunday that the  
18 group came?

19 A. Yes, he was.

20 Q. Did anything else happen following the Microsoft  
21 activities?

22 A. No.

23 Q. And there was also an event at a -- I believe it was a  
24 King County high school. Can you correct me?

25 A. [Redacted] in the town of [Redacted]

1 Q. Can you explain what happened there, what that event was  
2 about.

3 A. Redacted children go to that school. And they dedicate a  
4 day to the Day of Silence every year, which -- during  
5 the school day, some of the students and some of the  
6 teachers, I understand, vow -- take a vow of silence in  
7 support of harassment of homosexuals.

8 Q. Or, rather, in support of not harassing --

9 A. Correct.

10 Q. -- homosexuals?

11 A. Yeah, yeah, yeah.

12 MR. PIDGEON: Objection to the form of the  
13 question.

14 But go ahead and answer.

15 A. And Redacted had met with the principal of the  
16 school inquiring as to why this event is being held  
17 during school hours and not before and after school or  
18 during lunch break and decided that we would form a  
19 rally protesting the Day of Silence in April of '08.  
20 Yes, it was April of '08. So a group of Redacted people,  
21 myself included, went to the school and stood outside in  
22 protest of the Day of Silence, which was going on inside  
23 the school.

24 Q. (by Ms. Egeler) And do you know approximately how many  
25 people were there with the church?

State Objects: The witness's testimony is irrelevant, unrelated to R-71.

1 A. I would say 150.

2 Q. And do you recall [Redacted] having a bullhorn or  
3 megaphone with him?

4 A. Yes.

5 Q. And do you recall what time of day this was?

6 A. I believe it was 10:00 in the morning, 10:00 a.m.

7 Q. Were any of the students or teachers that were  
8 participating in the Day of Silence outside the school  
9 while the church was there?

10 A. I don't know. I would not be able to identify those  
11 people. We purposely made it later in the morning so  
12 that all the children would be already in the school and  
13 school would be underway so we wouldn't interfere with  
14 their coming and going.

15 Q. Was there any visible group outside the school that was  
16 in support of the Day of Silence, whether it was  
17 teachers, parents, community members, anyone?

18 A. Oh, yes.

19 Q. And what were they doing?

20 A. Talking, visiting.

21 Q. And do you remember approximately how many people there  
22 were on that side of the issue?

23 A. In support of the Day of Silence?

24 Q. Yes.

25 A. Oh, my goodness. I would say an equal number, a hundred

1 to 150.

2 Q. And did things remain respectful on both sides of that  
3 issue during the time that both groups were there for  
4 and against the Day of Silence?

5 A. I would say no.

6 Q. What did you hear or see?

7 A. Shouting. [Redacted] will be bringing in a  
8 photograph this afternoon that I found of one person  
9 holding a sign up to his head that said, "Throw Rocks  
10 Here." He'll have -- it was published in The [Redacted]  
11 [Redacted] -- I think it was The [Redacted] -- and he'll  
12 be bringing that with him this afternoon.

13 Q. Did anyone throw rocks?

14 A. No.

15 Q. Did anyone throw anything?

16 A. No.

17 Q. Do you remember what was shouted?

18 A. Gosh. It was unintelligible, really. I can't tell you.

19 Q. Was there any physical violence between the two groups?

20 A. No.

21 Q. Was anybody with the church shouting back at this group?

22 A. No.

23 Q. Was anyone from the church holding a sign?

24 A. I didn't see any signs from our group. I did not see  
25 any signs.

State Objects: The witness's testimony is irrelevant,  
unrelated to R-71.

State Counter designates this testimony only if relevance  
objection is overruled.

1 Q. Do you recall what, if anything, the pastor was saying  
2 into the bullhorn?

3 A. I don't recall what he said.

4 Q. Was he speaking into the bullhorn to the --

5 A. Yes.

6 Q. -- group?

7 A. Yes.

8 Q. Was there any chanting done by either group?

9 A. Not that I recall.

10 Q. And did the church receive any negative feedback or  
11 phone calls following that --

12 A. Oh, yes.

13 Q. -- day?

14 A. Yes.

15 Q. Can you describe that for me.

16 A. It's the same type of information that's conveyed to me,  
17 that if the N word doesn't shut up, we will shut him  
18 down. I don't -- I haven't told Redacted -- I've only told  
19 Redacted a fraction of what's been said in those phone  
20 calls, because I don't -- he doesn't need to hear what  
21 people are saying about him.

22 Q. And was physical violence threatened in those phone  
23 calls?

24 A. What does, we will shut you down, mean? I don't know  
25 what that means to them, to the people making the phone

State Objects: Hearsay; the witness's testimony is irrelevant even if not offered for the truth of the matter, unrelated to R-71.



1 calls.

2 Q. Did they do anything further to shut him down?

3 A. There was an incident in June -- excuse me; in April of  
4 '09 where [Redacted] held a conference, a  
5 week -- a two-day conference, and we used Crossroads  
6 Bible Church in Bellevue as the location for our  
7 conference. And [Redacted], of course, was one of the  
8 speakers at the conference.

9 And we monitored the blogs out there -- some of our  
10 high-school- and college-age students monitor the  
11 blogs -- and there was word out there in the blogs that  
12 they were gonna do damage to Crossroads Bible Church  
13 because [Redacted] was speaking there, and they did.

14 Q. What did they do?

15 A. To my knowledge, they put glue -- they poured glue in  
16 the locks. You would have to ask Jerry Mitchell, who's  
17 the senior pastor of Crossroads Bible Church, the extent  
18 of the damage that was done to their facility.

19 Q. Can you tell me again that name. I didn't catch that.

20 A. Jerry Mitchell.

21 Q. Jerry Mitchell.

22 A. Yeah.

23 Q. And he's the pastor there at Crossroads.

24 A. Correct.

25 Q. Anything else?

State Objects: Hearsay; the witness's testimony is irrelevant even if not offered for the truth of the matter, unrelated to R-71.

1 A. I think that's it.

2 Q. At any time throughout the pastor's events expressing an  
3 opinion on homosexuality, has there been any damage to  
4 your church?

5 A. No.

6 Q. Other than the event following the Microsoft issue when  
7 a group came to attend the church, have any other groups  
8 or individuals that are hostile to the pastor come to  
9 services?

10 A. No.

11 Q. Do you recall whether the -- or do you know if the blogs  
12 that were talking about going to the Crossroads Church  
13 were talking about anger with any specific event that  
14 the pastor had spoken at or --

15 A. It was more anger at his public position. And the  
16 reason I say that is because the blogs such as the Slog,  
17 which is The Stranger blog, and Pam's House Blend is  
18 another blog, are dedicated.

19 Q. Any other blogs that you can remember?

20 A. No.

21 Q. Do you recall any harassment or what you would consider  
22 to be harassment or threats with relation to the  
23 pastor's position on Referendum 71?

24 A. During the signature-gathering period, which was the  
25 spring and summer of '09, that -- I believe it was June,

1 I received a phone call from a person saying they were  
2 going to kill him. So I called the Redacted  
3 Department, because we are located within the city of  
4 Redacted, and they dispatched two officers, who came out,  
5 took a report, and listened to the recorded phone  
6 message.

7 Q. Do you know the police-report number?

8 A. I don't.

9 Q. Did you keep a copy of the police report?

10 A. No.

11 Q. Do you remember the officers' names?

12 A. No, but I think I could find out fairly easily.

13 Q. If you could produce that when you produce the --

14 A. Okay.

15 Q. -- the Emails as evidence of threats or harassment --

16 A. Okay.

17 Q. -- that were experienced, that would be great.

18 Okay, so the officers came out, and it sounds like

19 you had the call recorded.

20 A. Yes.

21 Q. So was this a call that was on the church's voice mail?

22 A. It was on my voice mail. The receptionist had put the  
23 call through to me and left -- this person left a  
24 message on my voice mail.

25 Q. And this was your voice mail at the church office.

1 A. Correct.

2 Q. Was there a telephone number that was recorded by your  
3 phone system?

4 A. No. I tried, you know, the star 69 function, but it  
5 doesn't work when you send a number to an extension.  
6 And the receptionist had already received numerous calls  
7 after that, was not able to capture that phone number.

8 Q. And the person said that they were going to --

9 A. Kill.

10 Q. Kill the pastor specifically?

11 A. Yes.

12 Q. And did they say anything about Referendum 71?

13 A. No.

14 Q. How do you know that they were talking about  
15 Referendum 71 instead of the day at [Redacted] or  
16 statements that [Redacted] has taken in the newspapers, et  
17 cetera?

18 A. Because only a day before, there had been an article in  
19 [Redacted] about our support of Referendum 71.

20 Q. And did the caller talk about that newspaper article?

21 A. No.

22 Q. How do you know they saw it?

23 A. I don't know that they saw it. But I do know that it  
24 has to be surrounding our position on traditional  
25 marriage.

1 Q. Is it that it has to be or --

2 A. Most --

3 Q. -- you think --

4 A. -- likely.

5 Q. So you're saying you think it's a reasonable assumption,  
6 but you don't know for certain.

7 A. Of course not, yeah. Yeah, it's a reasonable assumption  
8 to make.

9 Q. So what did the Redacted do after listening to the  
10 message?

11 A. They said keep them posted, let them know if we heard  
12 any more from anyone like that. One of the police  
13 officers gave me his card. I don't believe I still have  
14 that. I had no idea I would end up here today and that  
15 all of these details would be important.

16 Q. I understand.

17 And did the police say whether they would be able  
18 to find this person, given that there was no phone  
19 number?

20 A. They didn't offer any hope of being able to determine  
21 who it was.

22 Q. Did you feel they were doing their best under the  
23 circumstances?

24 A. Absolutely.

25 Q. And do you have a positive opinion generally of the

1           Redacted Department?

2     A.     Oh, yes.

3     Q.     Did you receive any more calls?

4     A.     Every time Redacted name appears in the newspaper, I get  
5           phone calls.

6     Q.     Was this call that we just discussed the first time  
7           anyone had called and made what you would consider to be  
8           a death threat?

9     A.     Yes.

10    Q.     Is it the first time anyone had made a threat of  
11          physical attack other than saying that they were going  
12          to shut the pastor down?

13    A.     That's it.

14    Q.     Do you know if you received any more calls from that  
15          individual?

16    A.     I don't believe so.

17    Q.     And with respect to the time period that Referendum 71  
18          petitions were being signed, that spring and summer of  
19          '09 that you referred to, were there any other phone  
20          calls that were standouts to you?

21    A.     Yes. There was one phone call shortly after the story  
22          broke that Redacted has bone cancer. I got a call  
23          that said -- an individual said they hoped that the  
24          brain -- the cancer goes to his brain and eats his  
25          brain. And I never told him that, obviously.

1 Q. And did you call the police --

2 A. No.

3 Q. -- to let them know?

4 A. No.

5 Q. And why was that?

6 A. They can -- it was just a wish. It was someone's wish.

7 I mean, there was no threat there. It was stating a  
8 rather unpleasant wish, but I didn't see it as any kind  
9 of a threat.

10 Q. Going back just for a moment to the recorded message  
11 that was the person saying that they were going to kill  
12 the pastor, do you still have that recording?

13 A. No. No.

14 Q. Do you have any other recordings of voice messages left?

15 A. No.

16 Q. Any other phone calls from that time period that really  
17 stand out for you?

18 A. No. No.

19 Q. Did anything else happen in that time period that  
20 petitions were being gathered or up until the election  
21 in November where any incidents occurred that you would  
22 consider to be harassment or threats as a result of  
23 involvement with Referendum 71?

24 A. No.

25 Q. How about after the election in November? Have the

1 phone calls continued?

2 A. They have not.

3 Q. Have any of the phone calls talked about anger with the  
4 pastor signing the petition?

5 A. Not specifically.

6 Q. Were they directed instead to things that have been  
7 covered in the newspapers or public appearances?

8 A. They were directed at his support of the referendum.  
9 They -- I mean, they didn't say, because he signed it.  
10 I'm assuming they know that he signed it if he's  
11 publicly in support of the referendum.

12 Q. But they didn't specifically mention anger with him  
13 specifically for -- just for signing the referendum.

14 A. No.

15 Q. When you received the phone call threatening to do  
16 damage to Crossroads Church --

17 A. It wasn't a phone call. That was a blog. Someone found  
18 this information on a blog.

19 Q. And do you know whether the -- anyone at the church  
20 contacted the police --

21 A. Oh, yes.

22 Q. -- about that? Okay.

23 And which police office would have been --

24 A. Would have been --

25 Q. -- contacted?

State Objects: Hearsay; irrelevant  
even if not offered for the truth of  
the matter, unrelated to R-71.



1 A. -- the Bellevue Police Department.

2 Q. And did you personally have any contact with the  
3 Bellevue Police about that?

4 A. No, I did not.

5 Q. Do you know who did?

6 A. Probably our administrative pastor.

7 Q. And who's that?

8 A. Redacted

9 Q. And that would have been in April of 2009?

10 A. Correct.

11 Q. It sounds like the pastor's received what you call  
12 threatening or harassing phone calls for years over the  
13 stance he's taken on various issues pertaining to  
14 homosexuality.

15 A. Yes.

16 Q. Have they, the callers or bloggers, ever frightened him  
17 into not appearing publicly anymore or no longer taking  
18 a public position?

19 A. No.

20 Q. And why do you think that is?

21 A. Because he's not afraid.

22 Q. Are you afraid working in the church office?

23 A. No. Cautious would be appropriate.

24 Q. I understand.

25 Is there any other threat or harassment that we

1 haven't discussed?

2 A. No.

3 Q. I guess the one event I didn't ask you about is the  
4 Washington, D.C., rally. Were any phone calls or  
5 harassment of any sort showing up after that event?

6 A. Phone calls. Always phone calls when we appear in  
7 print. Our position is support of traditional marriage.  
8 Our position is not antihomosexual. All we ever do is  
9 support traditional marriage. And that's really the  
10 only public stand that we take on anything, is  
11 supporting traditional marriage between a man and a  
12 woman. So every time we appear in print, we get  
13 harassing -- excuse me; we get negative phone calls.

14 Q. Has [Redacted] ever said that homosexual acts are  
15 a sin or inappropriate?

16 A. He's quoted Scripture to that effect.

17 Q. So he's not just opposed to same-sex partnership or  
18 marriage, he's also opposed to homosexuality.

19 MR. PIDGEON: Objection as to the form of the  
20 question.

21 Q. (by Ms. Egeler) You can answer.

22 A. He reiterates the Biblical stand against homosexuality.  
23 It's not his personal opinion, it's what God's word  
24 says.

25 Q. Is it his opinion that God's word says that

1           homosexuality is a sin?

2   A.    Correct.

3   Q.    And has he made such statements publicly other than  
4           during church services?

5   A.    Via the passage of Scripture in Romans, he's reiterated  
6           that.

7   Q.    At public events?

8   A.    Yes, yes.

9   Q.    Outside of the church walls themselves?

10   A.   Yes.

11   Q.   And has he made statements about homosexuality being  
12           contrary to the Scriptures --

13   A.   Yes.

14   Q.   -- in newspaper articles?

15   A.   Yes.

16           MS. EGELER:   Okay, I have no further questions.

17           THE WITNESS:   Okay.

18           MS. FIELDS:   I have some questions.   May I?

19           MS. EGELER:   Absolutely.

20

21                           EXAMINATION

22   BY MS. FIELDS:

23   Q.    So again, my name's Penny Fields.   I represent -- I'm  
24           here on behalf of Washington Families Standing Together,  
25           an intervenor in this case.

1 I'd like to go back. Just a couple quick questions  
2 about your signing of the referendum --

3 A. Yes.

4 Q. -- in your church office. At the time you signed, were  
5 you aware that Washington's Public Disclosure Act makes  
6 petitions public on request when they're signed?

7 A. Yes.

8 Q. And did you take any steps at that point to keep your  
9 signing of the referendum secret or private?

10 A. No.

11 Q. Were you aware of this litigation at the time you  
12 signed?

13 A. No.

14 Q. Other than your involvement in the Referendum 71  
15 campaign, have you been involved in any other -- in any  
16 way in any other political debates or political issues;  
17 for example, the death penalty, religious rights,  
18 property rights, civil rights of any other kind? Any  
19 other political debates?

20 A. In my life?

21 Q. Yes.

22 A. Oh, yes.

23 Q. Could you give me a couple of examples.

24 A. You brought up property rights. I'm also a real-estate  
25 agent, so I've contributed to political-action

1 committees that support property rights.

2 Q. I'm sorry; you mean contributed money or contributed  
3 in --

4 A. Money, mm-hm.

5 I also -- let's see; what else? Do people's minds  
6 go blank? Okay, I've contributed money to Second  
7 Amendment Right Foundation in the state of Washington,  
8 I've attended rallies.

9 Q. For?

10 A. For traditional marriage, like the Mayday for Marriage  
11 rally that we held at Safeco Field in --

12 Q. So just -- but other than your support for traditional  
13 marriage or surrounding gay rights or anything related  
14 to -- that we've discussed here already today, I'm  
15 thinking of other political campaigns or rallies you've  
16 been involved in. So you mentioned -- sorry.

17 A. Second Amendment.

18 Q. Right.

19 You've attended rallies?

20 A. No, I've contributed money.

21 And property rights via political-action committee.

22 Q. So is it fair to say that your involvement in other  
23 kinds of political campaigns or issues has been limited  
24 to financial contributions?

25 A. Yes, for the most part.

1 Q. Thank you.

2 Have you ever yourself elected not to shop at a  
3 particular store or buy a particular product because of  
4 your political or your religious beliefs?

5 A. No.

6 Q. Have you ever avoided associating with people or  
7 associating with an organization because of your  
8 political or moral beliefs?

9 A. No.

10 Q. Have you ever been in a situation where you have avoided  
11 making your views on a subject known because you were  
12 afraid of -- because you were afraid?

13 A. Because I was afraid? No, not because I was afraid.

14 Q. Have you been in situations where you've avoided because  
15 of -- for another reason?

16 A. Only because I didn't want a discussion to take place.  
17 I didn't want a confrontation to take place.

18 Q. Can you give me an example?

19 A. A couple of my friends are die-hard supporters of  
20 President Obama and I'm not. And we just avoid those  
21 kind of conversations when we're in social settings.

22 Q. Have you been in a situation where you avoided  
23 expressing your views on what might be a contentious  
24 topic in a public setting as opposed to, say, a private  
25 social setting?

1 A. I've not had the opportunity to express my views in a  
2 public setting other than to be present at, say, a  
3 rally.

4 Q. Are you aware of anyone who refused to sign the  
5 Referendum 71 petition because they were afraid?

6 A. No.

7 Q. And I just have one more -- one or two more questions.

8 You were talking a little bit earlier about the  
9 fact that the basic stance of your church is the support  
10 of traditional marriage and, basically, the political  
11 activities in support of traditional marriage. And I'm  
12 wondering how the protest at Redacted is in support of  
13 traditional marriage.

14 A. We were making a statement about a cultural norm, and  
15 traditional marriage is a cultural norm.

16 Q. Right.

17 But I'm not -- how does the Day of Silence relate  
18 to traditional marriage?

19 A. We believe the homosexual lifestyle is being propagated  
20 in grade schools through GLSEN -- and I can't tell you  
21 exactly what that stands for -- G-L-E-S-N (sic), gay,  
22 lesbian -- G-L-E-S-N (sic). They're -- they sponsor the  
23 Day of Silence at high schools. And we believe that is  
24 propagating the homosexual lifestyle in the schools --

25 Q. Isn't --

1 A. -- during school time.

2 Q. Maybe I misunderstand. I -- my understanding is, the  
3 Day of Silence is an activity protesting harassment of  
4 gay and lesbian and transgender students. Have I got  
5 that wrong?

6 A. You've got that right.

7 Q. And your rally at [REDACTED] was protesting the Day of  
8 Silence.

9 A. Correct.

10 Q. So isn't it fair to say that your rally was against  
11 standing up -- standing against harassment against gay  
12 and lesbian students? I mean, are you saying that  
13 your --

14 MR. PIDGEON: Objection as to form.

15 Q. (by Ms. Fields) Would you -- is it fair to say that  
16 your church thinks that harassing gay and lesbian  
17 students in school is okay?

18 A. Of course not. No one should be harassed. But there  
19 should not be a special day set aside to introduce  
20 children to the homosexual lifestyle during school  
21 hours, which is basically what it is under the guise of  
22 preventing harassment.

23 Q. So my final question is, you said that since the  
24 election, you haven't experienced any more phone calls  
25 or anything that you would consider to be harassment



1 related to Referendum 71 --

2 A. Correct.

3 Q. -- is that correct?

4 So are you today in any way fearful of being  
5 harassed personally regarding Referendum 71?

6 A. No, not fearful.

7 MS. FIELDS: I have no more questions. Thank you.

8 THE WITNESS: You're welcome.

9 MS. EGELER: Mr. Dixon, did you have any  
10 questions?

11 MR. DIXSON: I do, and I understand the inherent  
12 difficulty. So I think I have three, maybe four, and  
13 I'll try to make it brief.

14

15 EXAMINATION

16 BY MR. DIXSON:

17 Q. Redacted, my name is Steve Dixon. I'm participating  
18 via telephone from Spokane. I'm an attorney that  
19 represents the Washington Coalition for Open Government  
20 and I have just a couple of very quick questions.

21 The first is regarding the Microsoft stance of the  
22 church and Redacted. When, approximately, did that  
23 take place?

24 A. I believe it was 2007 at their annual stockholders'  
25 meeting.

1 Q. And do you -- I could probably find that, but do you  
2 happen to recall the season or the month?

3 A. I believe it was January or February.

4 Q. Was there media coverage of [Redacted] attendance  
5 and participation at the stockholders' meeting?

6 A. Yes.

7 Q. Was that television, newspaper, both?

8 A. Both.

9 Q. You've testified that following public appearances, you  
10 receive phone calls on the church phone line. I'm  
11 wondering in rough numbers about the volume of phone  
12 calls. Would you say it's five to ten, a dozen, or more  
13 per each appearance in the print media or public media?

14 A. I would say five to ten.

15 Q. Is that pretty consistent per incident?

16 A. Yes.

17 Q. And finally, just to be clear, the harassment that  
18 you've experienced has been via those phone calls, but  
19 none has been personally directed at you; is that  
20 correct?

21 A. Well, that is not correct. I was told by one caller  
22 that they would come to our church and they would come  
23 to our office and they would take us down. So I'm one  
24 of them. I guess I'm part of the us.

25 Q. So a particular caller stated that they would come to

1 the church and specifically come to the church office  
2 and take you down.

3 A. Correct.

4 Q. And that was following the Microsoft appearance; am I  
5 correct?

6 A. No.

7 Q. What incident was that related to?

8 A. That was related to the publicity we received for  
9 supporting Referendum 71.

10 Q. So that was sometime in the spring or summer of 2009,  
11 that particular phone call?

12 A. Correct.

13 MR. DIXSON: Okay, that's all I have.

14 MR. PIDGEON: Okay.

15

16 EXAMINATION

17 BY MR. PIDGEON:

18 Q. I have some follow-up --

19 A. Okay.

20 Q. -- questions.

21 How are you doing?

22 A. Good.

23 Q. Just to get a little more background on Redacted, you and  
24 I had discussed earlier that Redacted runs a men's group  
25 called Redacted

1 A. Correct.

2 Q. -- is that correct?

3 And what do you know about Redacted

4 A. It's a men's Bible study.

5 Q. And what about Redacted background? What did he do  
6 before he was a pastor?

7 A. He was a Redacted in -- for the Redacted

8 Q. So he played Redacted

9 A. Correct.

10 Q. As a professional.

11 A. Correct.

12 Q. And so as a general rule, he was -- and do you know, did  
13 he Redacted

14 A. He Redac -- he was a Redacted whatever that means.

15 Q. That's Redacted

16 A. Okay.

17 Q. So he was a Redacted and so typically Redacted are  
18 large, fast, and strong. Would that be a fair summary  
19 of Redacted

20 A. He is large, strong, and slow.

21 Q. He's not fast anymore.

22 A. No.

23 Q. Too many Redacted, yeah.

24 But suffice it to say that he does have -- does he  
25 have a reputation among the men at the church of being a

1 man's man?

2 A. Yes.

3 Q. And does he encourage other men in the church to be men?

4 A. Yes.

5 Q. So somebody who would -- if there was somebody making a  
6 physical threat against a church, they would not have an  
7 expectation that the men at Redacted were wimpy.

8 A. That is correct.

9 Q. Would you say that that may have something to do with  
10 the fact that none of these threats have actually been  
11 carried out?

12 A. I don't know the reason why the threats haven't been  
13 carried out. That certainly could be a reason.

14 Q. But the threats that were made against Crossroads Church  
15 were carried out.

16 A. That is correct.

17 Q. Now, when you say you are not fearful but cautious, what  
18 kind of cautious steps do you take at the church office?

19 A. I keep the door locked when I'm there alone. I watch  
20 who follows me into the parking lot if anyone follows me  
21 into the parking lot.

22 Q. Do you have a security system at the church office?

23 A. We do not. We -- not in this particular office.  
24 Heretofore we have always had a security system.

25 Q. Just recently have you changed offices?

1 A. A year ago.

2 Q. And you haven't yet installed security.

3 A. That's correct.

4 Q. And then how about you personally? Do you have -- what  
5 do you do to secure your environment at home?

6 A. Keep the doors locked when I'm in the house, all the  
7 normal things that people do.

8 Q. Have you ever had anybody come by your house?

9 A. No.

10 Q. Did you put an R-71 sign up at your house?

11 A. I did not.

12 Q. Why not?

13 A. I'm not allowed to have signage in my neighborhood.

14 Q. Now, let's talk about your knowledge a little bit of the  
15 referendum process in the state and the public  
16 disclosure -- Public Records Act. You're aware that the  
17 referendum process has been going on for over a hundred  
18 years in Washington? Are you aware of that?

19 MS. EGELER: Objection --

20 MS. FIELDS: Objection.

21 MS. EGELER: -- leading.

22 Q. (by Mr. Pidgeon) Are you aware that the referendum  
23 process has gone on for over a hundred years in  
24 Washington?

25 MS. EGELER: Objection; leading.

1 Q. (by Mr. Pidgeon) Do you know how long the referendum  
2 process has gone on in the state of Washington?

3 A. At least as long as I've been able to vote.

4 Q. How long has that been, if you don't mind my asking?

5 A. Oh, my goodness. I'm 55 and I started voting at 18,  
6 so --

7 Q. Now, do you recall whether or not any referendum  
8 signatures or initiative signatures were released to the  
9 public prior to the year 2006?

10 A. Could you rephrase the question or repeat the question.

11 Q. Do you know whether or not any names and addresses of  
12 petition signers for initiatives or referendums in the  
13 state of Washington have been released to the public  
14 before 2006?

15 A. I don't know. I would assume they were. Isn't it  
16 public disclosure? I --

17 Q. You --

18 A. -- don't know the process.

19 Q. Do you know whether or not the Attorney General in 1993  
20 issued an opinion that said the Public Records Act --

21 MS. EGELER: Objection --

22 Q. (by Mr. Pidgeon) -- did not --

23 MS. EGELER: -- leading.

24 MR. PIDGEON: I'm asking if she knows this.

25 MS. EGELER: Objection --

1 Q. (by Mr. Pidgeon) Do you know --

2 MS. EGELER: -- stands.

3 Q. (by Mr. Pidgeon) Do you know whether or not the  
4 Attorney General issued an opinion letter saying that  
5 the Public Records Act required that names not be  
6 disclosed in 1993?

7 MS. EGELER: Objection; leading.

8 Q. (by Mr. Pidgeon) You can go ahead and answer.

9 A. I do not know that.

10 Q. Do you know whether or not Sam Reed is the first  
11 Secretary of State in the history of Washington to  
12 release public names --

13 MS. EGELER: Objection; leading.

14 Q. (by Mr. Pidgeon) -- and addresses?

15 A. I did not know that.

16 Q. Did you know the history of the name-release process  
17 when you signed the petition?

18 A. No.

19 MS. EGELER: Objection.

20 MR. PIDGEON: What's objectionable about that?

21 MS. EGELER: Nothing.

22 MR. PIDGEON: I'm asking --

23 MS. EGELER: Withdraw that.

24 MR. PIDGEON: -- just asking --

25 MS. EGELER: Withdraw that one.



1 MR. PIDGEON: Okay.

2 MS. EGELER: Waiting for the next in the series.

3 MR. PIDGEON: Okay.

4 Q. (by Mr. Pidgeon) So when you signed the petition -- at  
5 the time you signed the petition, it's safe to say that  
6 you had no knowledge about the disclosure process of  
7 names and addresses through the Secretary of State's  
8 Office; is that true?

9 A. That's true.

10 Q. Did you know at the time you signed the petition that  
11 the Secretary of State would amass names and addresses  
12 of all the petition signers onto a single file and  
13 disclose it to whoever asked?

14 MS. EGELER: Objection; leading.

15 A. I did not know.

16 Q. (by Mr. Pidgeon) Would you have signed the petition if  
17 you had known that your name was going to be grouped  
18 with all the other signers and given to look, for lack  
19 of a better term, militant homosexual groups that wanted  
20 to use your name for purposes of inconvenient  
21 conversations --

22 MS. EGELER: Objection --

23 Q. (by Mr. Pidgeon) -- when you signed the petition?

24 MS. EGELER: Objection; assumes facts not --

25 A. Yes.

1 MS. EGELER: -- in evidence.

2 Q. (by Mr. Pidgeon) You would have signed?

3 A. I would have signed.

4 Q. Even if you'd known that that was going to be the case.

5 A. Yes.

6 Q. Were you aware of the organization whosigned.org at the  
7 time you signed the petition?

8 A. No.

9 Q. Were you aware of Know Thy Neighbor at the time you  
10 signed the petition?

11 A. No.

12 Q. Were you aware of the level of violence that had been  
13 perpetrated in California surrounding Proposition 8 at  
14 the time you signed the petition?

15 MS. EGELER: Object to the characterization.

16 A. I heard stories.

17 Q. (by Mr. Pidgeon) You've heard stories about  
18 Proposition 8?

19 A. Yes.

20 Q. Can you tell us some of the stories that you heard about  
21 Proposition 8.

22 A. That people had experienced violence, retaliation. I  
23 don't know specifics of the retaliation.

24 Q. Did you know whether or not Christians were experiencing  
25 retaliation?

State Objects: Lack foundation;  
hearsay; irrelevant even if not offered  
for the truth, unrelated to R-71

1 A. I don't know they were specifically Christians. I don't  
2 recall that.

3 Q. Now, going back to this history of the phone calls, I  
4 need you to be much more specific. I know that you  
5 haven't told Redacted these things, but I need you  
6 to be more specific and tell us the language of these  
7 phone calls, okay? You mentioned, for instance, that in  
8 many phone calls they were using the N word.

9 A. Correct.

10 Q. Can you be explicit. What do you mean by the N word?

11 A. Calling him a nigger.

12 Q. Did that happen a lot?

13 MS. FIELDS: Objection; form of the question.

14 A. Maybe three to five times.

15 Q. (by Mr. Pidgeon) And was it the same person that was  
16 doing this, in your opinion?

17 A. It's very difficult to tell. Some voices I would  
18 recognize, some I would not.

19 Q. So in some of these phone calls, they were repeat phone  
20 calls? I mean, you were getting -- were you getting a  
21 phone call following each event from a similar person?

22 A. Correct.

23 Q. And did their phone calls come in like clockwork? I  
24 mean, if you had something published, did they call the  
25 following day?

State Objects: Hearsay; the witness's testimony is irrelevant even if not offered for the truth of the matter, unrelated to R-71.

1 A. Sometimes that's how I knew something had been  
2 published, is because phone -- I would get phone calls.  
3 And then I would search the Internet for the latest  
4 story about [Redacted] or our church.

5 Q. So tell me more about this pattern. You would get phone  
6 calls following some publication of his name and then  
7 would they die off pretty --

8 A. Yes.

9 Q. -- quickly?

10 A. Yes.

11 Q. So you wouldn't get -- so did you have somebody call you  
12 every week or was it just in a short period of time  
13 following the release of his name?

14 A. Within a day or two of the release of his name.

15 Q. So can you say it is safe to draw a correlation of  
16 proximity to the article to say that the article was  
17 published and then we got the calls? Is that --

18 MS. EGELER: Objection; leading the witness.

19 A. That is correct. Our receptionist would say, [Redacted] must  
20 have been in the paper, or -- oh, it was -- it's a joke.  
21 [Redacted] must have been in the paper again, because the  
22 phone calls would start the minute we opened the phone  
23 lines at 9:00 in the morning.

24 Q. (by Mr. Pidgeon) Now, to your knowledge, is one of the  
25 methods used to destroy a pastor in a church trying to

State Objects: Hearsay; the witness's testimony is irrelevant even if not offered for the truth of the matter, unrelated to R-71.

1 find a sexual scandal on the pastor?

2 A. Yes.

3 Q. Have you seen other pastors in this community go down  
4 because of sexual scandal?

5 A. Yes. Actually, yes, I do.

6 Q. And to your knowledge, has anybody ever tried to go  
7 after [Redacted] to dig up a sexual scandal on him?

8 A. [Redacted] reports that there is someone who has offered a  
9 bounty. This is what [Redacted] -- I have no direct evidence  
10 myself other than what he's said. There is a bounty  
11 available to anyone who can find anything improper about  
12 his life.

13 Q. Do you know how big this bounty is?

14 A. I think it's a million dollars.

15 Q. Do you know who's planning on paying this million-dollar  
16 bounty?

17 A. I do not, but I'm certain he does.

18 Q. And do you know how long this bounty has been in place?

19 A. I don't know. At least during my three years at the  
20 church office.

21 Q. Now, you talked a little bit about the death threat that  
22 came in over the phone line. Was that -- was there a  
23 transcription made of that death threat?

24 A. No.

25 Q. Do you know if the police report contained the operative

State Objects: Hearsay; the witness's testimony is irrelevant even if not offered for the truth of the matter, unrelated to R-71.

1 terms of the death threat?

2 A. I didn't see it. They actually never showed me the  
3 report. But I would assume that it was -- included the  
4 verbatim message.

5 Q. And again, was this death threat in that same proximal  
6 period of the newspaper article being released and then  
7 the phone call came in?

8 A. Yes.

9 Q. And that proximal relationship was proximal to the story  
10 in [Redacted] about [Redacted] supporting R-71?

11 A. Yes.

12 Q. And did you take that -- you took that phone call; is  
13 that correct?

14 A. Correct.

15 Q. Now, did you recognize the voice?

16 A. I did not.

17 Q. So this was a new voice, then.

18 A. Or one that I just didn't recognize.

19 Q. Now, did you have a chance to look at the -- some of the  
20 blog stuff that was put up on The Stranger?

21 A. Yes.

22 Q. Did you look at the news articles on The Stranger?

23 A. Yes.

24 Q. Did they identify [Redacted] negatively in  
25 any of those articles?

1 A. Oh, yes.

2 Q. Can you remember some of the things that were said in  
3 The Stranger?

4 A. Oh, my goodness. That he's a hatermonger, we're  
5 hatermongers. Basically calling us haters.

6 Q. Now, in your opinion, your personal opinion, is the use  
7 of the N word typical of people who are tolerant and  
8 filled with the loving kindness of God?

9 A. No.

10 Q. Yeah, I just wanted to get your opinion on that.

11 Now, what about Pam's House Blend? Did you get a  
12 chance to read any of the information on this site?

13 A. I did. I have.

14 Q. And did they make any reference to Redacted

15 Redacted

16 A. Yes.

17 Q. What kinds of things were being said?

18 A. That he, again, is a hatermonger; our church are  
19 shortsighted, unloving hatermongers; that his cancer --  
20 Pam tends to focus on his cancer issue -- that he --  
21 this is -- God's way of stopping him is taking him out  
22 of the picture by killing him with cancer and it can't  
23 happen too soon and there is justice -- there will be  
24 justice for same-sex couples once Redacted is dead; that  
25 he's evil; that we're all evil, Redacted is

1 evil.

2 Q. Do you feel that The Stranger was dehumanizing Redacted  
3 you, and Redacted

4 MS. EGELER: Objection; leading.

5 A. Dehumanizing us?

6 Q. (by Mr. Pidgeon) Were they trying to make you something  
7 less than human, do you believe, in the eyes of the  
8 community?

9 A. I wouldn't say less than human. No, not less than  
10 human, but certainly not nice. We're not very nice  
11 people.

12 Q. Do you believe that The Stranger and Pam's House Blend  
13 were trying to force you to walk away from your support  
14 of R-71?

15 A. More walk away in support of our stand on traditional  
16 marriage, R-71 being one part of that, and that is  
17 trying to maintain the standard of marriage between one  
18 man and one woman. It's all about that. Whether it's  
19 R-71 or a rally or Day of Silence, it's trying -- it's  
20 not wanting homosexual behavior to be normalized.

21 Q. So do you feel -- I'm going to ask this question again.  
22 Do you feel The Stranger -- do -- let me ask them  
23 separately.

24 Do you feel The Stranger was attempting to pressure  
25 you, Redacted, and the members of the congregation



1 at [Redacted] to abandon their position in favor of  
2 traditional marriage?

3 MS. EGELER: Objection; asked and answered.

4 A. Yes.

5 Q. (by Mr. Pidgeon) Go ahead -- okay.

6 And do you feel that Pam's House Blend was  
7 attempting to pressure you, [Redacted] and the  
8 members of the congregation of the church to abandon  
9 their position in favor of traditional marriage?

10 A. Yes.

11 Q. And do you believe that those people who had called the  
12 church after every article were making explicit  
13 expressions that you should abandon your position in  
14 favor of traditional marriage?

15 A. Yes.

16 Q. And that [Redacted] should abandon his position in favor of  
17 traditional marriage?

18 A. Yes.

19 Q. And that [Redacted] should abandon its position in favor of  
20 traditional marriage?

21 A. Yes.

22 Q. And that the members of the congregation should abandon  
23 their position in favor of traditional marriage?

24 A. Yes.

25 Q. Do you believe at any point that all of the pressure

1           that was brought by The Stranger, Pam's House Blend, and  
2           the phone calls that came in to the church did, in fact,  
3           cause some people to not sign the petition or to  
4           otherwise be silent about the issue in public?

5   A.   Do I know that for sure? No. Would I suspect that  
6           there was fear among the congregation? Yes.

7   Q.   Do you have any evidence of this fear among the  
8           congregation?

9   A.   No.

10   Q.   Did anyone ever tell you, I'd like to sign, but I'm not  
11           going to?

12   A.   No.

13   Q.   Did anybody tell you, I'm -- I don't dare put up a sign  
14           in my yard?

15   A.   No.

16   Q.   Did anybody tell you -- has anyone ever had their car  
17           vandalized for taking a position in favor of traditional  
18           marriage at Redacted

19   A.   Not to my knowledge.

20   Q.   And to your knowledge, has anyone ever been personally  
21           attacked for taking a position in favor of traditional  
22           knowledge -- traditional marriage; pardon me?

23   A.   Not to my knowledge.

24           MR. PIDGEON: Okay, I think that's all I have.

25           THE WITNESS: Okay.

1 FURTHER EXAMINATION

2 BY MS. EGELER:

3 Q. I have just a few more.

4 Did you ask to see a copy of the police report?

5 A. I did not.

6 Q. If you had asked, did you have a feeling that you would  
7 be refused by the police?

8 A. No.

9 Q. There was some discussion regarding the Pam's House  
10 Blend Web site. Did you go to that Web site and read it  
11 yourself?

12 A. Yes.

13 Q. Did you ever see anything on Pam's House Blend promoting  
14 killing or physically attacking the pastor?

15 A. Not what I read.

16 Q. You talked about the word "nigger" being used in three  
17 to five calls. Do you recall when those three to five  
18 calls came in?

19 A. Not specifically.

20 Q. Could you say that all of those three to five calls were  
21 related to the time period when Referendum 71 was being  
22 promoted?

23 A. I can't say that for sure.

24 Q. Could it be that those calls were associated with other  
25 activities that the pastor undertook with respect to

1 traditional marriage and the issue of homosexuality?

2 A. They always result from his stand on that issue. Those  
3 are the only calls we get like that.

4 Q. So they could have come in as a result of his appearance  
5 at a rally or an event prior to Referendum 71?

6 A. Yes.

7 Q. How long have you worked for the church?

8 A. Two years, ten months.

9 Q. How long have you been in the habit of locking the doors  
10 at your home?

11 A. I would say in the last ten years.

12 Q. Why did you start locking the doors in your home?

13 A. I don't know the particular -- there wasn't a particular  
14 catalyst.

15 Q. Do you lock the doors in your home because of concerns  
16 about burglary?

17 A. Sure.

18 Q. And are you in the same habit with respect to your car  
19 doors? Do you lock those? Not necessarily at home, but  
20 when you go to the city, for example, would you, if you  
21 walked away from your car, lock the doors?

22 A. Always.

23 Q. And why do you do that?

24 A. Theft.

25 Q. Has the church taken a stance on any other political

1 issues, such as a woman's right to choose an abortion or  
2 the death penalty or any other issue?

3 A. I can't tell you any specifics, but I'm sure [Redacted] has  
4 been asked, for instance, about abortion or the death  
5 penalty.

6 Q. Do you recall any phone calls generated by anger  
7 regarding other issues?

8 A. Never.

9 Q. You've said that the calls would come in and that you  
10 and the receptionist would kind of laugh about, well,  
11 there must be another newspaper article. Is that -- my  
12 memory of your testimony correct?

13 A. Yes.

14 Q. Did you always check to confirm that there had been --

15 A. Yes.

16 MS. EGELER: Okay. Okay, no further questions.

17 MS. FIELDS: May I ask a couple of follow-ups?

18 MS. EGELER: Sure.

19

20 FURTHER EXAMINATION

21 BY MS. FIELDS:

22 Q. [Redacted] you talked a little bit about all the  
23 different things that appear on Pam's House Blend and in  
24 The Stranger, on the blogs. Do you believe that they  
25 have a First Amendment right to express their opinion

1 about [Redacted]

2 A. Absolutely.

3 Q. And then just a couple quick questions to follow up on.

4 Your church -- I think you mentioned earlier you  
5 have 900 to a thousand members, maybe more --

6 A. Mm-hm.

7 Q. -- who call it their church home. Do you have some idea  
8 of what the male-female ratio is in your church,  
9 percentage of men versus women?

10 A. Adults, probably 50/50.

11 Q. And of the 50 percentish of adult men, what percentage  
12 of them would you call men's men, in your opinion?

13 A. I would say 60 percent.

14 Q. And have you ever attended -- other than the conference  
15 that you had at Crossroads Church, I think, in Bellevue,  
16 have you attended that church?

17 A. Crossroads?

18 Q. Yeah. I mean, are you familiar --

19 A. Yes.

20 Q. How familiar are you with that church?

21 A. Very familiar.

22 Q. What would you say the percentage between men and women  
23 adults are in that church?

24 A. 50/50.

25 Q. What percentage of the men in that church would you say

1 are men's men, to your knowledge?

2 A. I don't know.

3 Q. And you said the pastor of that church is Jerry  
4 Mitchell?

5 A. Correct.

6 Q. Would you describe Pastor Mitchell as wimpy?

7 A. No.

8 MS. FIELDS: No further questions.

9 MS. EGELER: Mr. Dixson?

10 MR. DIXSON: I'm good.

11 MS. EGELER: Anything further, Mr. Pidgeon?

12 MR. PIDGEON: No, I'm fine. Thank you.

13 MS. EGELER: Well, thank you for coming in --

14 THE WITNESS: Okay.

15 MS. EGELER: -- this morning.

16 THE WITNESS: You're welcome.

17 MS. EGELER: And as we stated earlier, we'll leave  
18 this deposition open and revisit the Emails and other  
19 production materials that you're going to go back and  
20 look for, okay?

21 THE WITNESS: Yes, yes.

22

23 (Whereupon the deposition  
24 adjourned at 10:46 a.m.)

25

CERTIFICATE

STATE OF WASHINGTON )  
 )  
COUNTY OF SNOHOMISH )

I, the undersigned Notary Public in and for the  
State of Washington, do hereby certify:

That the foregoing is a full, true, and correct  
transcript of the testimony of the witness named herein,  
including all objections, motions, and exceptions;

That the witness before examination was by me duly  
sworn to testify truthfully and that the transcript was made  
available to the witness for reading and signing upon  
completion of transcription, unless indicated herein that the  
witness waived signature;

That I am not a relative or employee of any party  
to this action or of any attorney or counsel for said action  
and that I am not financially interested in the said action  
or the outcome thereof;

That I am sealing the original of this transcript  
and promptly delivering the same to the ordering attorney.

IN WITNESS WHEREOF, I have hereunto set my hand and  
seal this 3rd day of October, 2010.

\_\_\_\_\_  
Notary Public in and for the State of Washington  
residing at Edmonds, Washington.  
(Notary expires 3/09/13)  
(CCR No. 2699)